

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

EARNEST HEILEMAN	§	
VS.	§	CIVIL ACTION NO. 1:08-CV-395
COURT OF CRIMINAL APPEALS	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Earnest Heileman, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed a request for an extension of time in which to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying the motion for an extension of time, and dismissing the case without prejudice.


The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Petitioner's motion for an extension of time

is **DENIED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

**SIGNED** this the **19** day of **August, 2008**.

  
Thad Heartfield  
United States District Judge